

HS. 74/1056 (7)

The CASE of *ROBERT COKE* Esq; concerning his Bill now depending in the Honourable House of Commons.

**T**HE said Bill recites the Deeds of Lease and Release dated the 13<sup>th</sup> and 14<sup>th</sup> Novemb. 17<sup>th</sup> *Caroli secundi*; made by *John Coke* Esq; deceased; (Grandson of Sir *Edward Coke* late Lord Chief Justice of the Court of Kings Bench) unto *James Fountaine*, and *Andrew Fountaine*, in trust for entailing of his Estate upon his Name and Kindred:

Which is defective,

I. In that there is no Provision made for a Posthumous Son.

And there can be no Objection (as it is humbly conceived) why this should not be remedy'd, in that it cannot be supposed, if *John Coke* himself had had any such Son, it should be within his intendment to exclude him from the Estate, to let in persons more remote; and so by consequence of the next in remainder successively. However this is only a chance wherein Mr. *Robert Coke* has no more than the first throw.

II. In that no Provision being made, that the Tenant in tail in possession may grant Leases, the Estate is prejudiced by the Tenants not daring (through the uncertainty of their Term), to improve the Lands. And the Rents are greatly sunk, in that thereby the charge of repairs are cast upon the Landlord.

In this Mr. *Coke* desires to demise all such Lands as have within 20 years last, been usually letten by Lease or Copy of Court-Roll, at less Rents than the full value of the same, for three Lives, or twenty one Years; so as such Rent be reserved, as the same hath within such Term of twenty years last, been usually letten for.

And as to the rest of the Lands (other than such as shall be hereafter improved out of Waits or Commons) the full improved Rent to be reserved, discharged of repairs, without any Fines to be taken thereupon.

And as to such as shall be so improved, such Rent to be thereupon reserved, as the same has made one year with another, for twenty years last past.

And herein Mr. *Coke* at his own charge and trouble brings the Estate to a certainty from the charge of repairs, and encourages the Tenants to improve, without seeking any other benefit to himself; and of this the Remainders intail will have the advantage more than he.

The next thing contained in the Bill, is to discharge *Robert Bertie*, and *Charles Bertie*, from a Trust reposed in them, to raise portions for Daughters, by *Robert Coke*, on my Lady *Ann Coke* to be begotten, out of part of his Paternal Estate, in case the said *Robert Coke* should happen to dye without Issue male.

*This Trust was raised at the instance of my Lord High-Treasurer, and his Lordship and all other Parties concerned therein, are consenting to the discharge thereof.*